

Decision No MB/2019/20
of the Management Board of the Agency for Support for
BEREC (BEREC Office) concerning the reimbursement of
persons not employed by the BEREC Office invited to attend
meetings in an expert capacity and repealing the previous
Management Committee Decision No MC/2015/13 of 2 October
2015

The Management Board of the BEREC Office,

Having regard to the Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (“BEREC Regulation”).

Having regard to the composition of both the Board of Regulators of BEREC and the Management Board of the BEREC Office, as foreseen in Articles 7 and, 15 of the BEREC Regulation;

Having regard to the rules adopted by the Commission on 5 December 2007¹ on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity, repealing the rules adopted on 24 February 1994;

HAVING REGARD to the BEREC Office Management Committee Decision No MC/2013/05 adopted on 2 October 2015 and repealing the Management Committee Decision No MC/2013/05 of 6 June 2013;

Whereas:

- (1) The European Commission has adopted Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity; BEREC Office regularly organise meetings such as meetings of the Board of Regulators, Management Committee, Expert Working Groups, etc. and wishes to adopt similar rules.
- (2) On 2 October 2015 the Management Committee had adopted the Decision No MC/2015/13 repealing the previous MC/2013/05 of 6 June 2013 and modifying Commission Decision of 5 December 2007, Doc. C(2007)5858;

¹ Doc. C(2007)5858

- (3) The Agency until today has been applying by analogy the European Commission rules. These rules have been from time to time revised in order, among other reasons, to bring the system more closely into line with the BEREC composition and organisation;
- (4) Art. 35, paragraph 2 of the BEREC Regulation provides that the Board of Regulators, the working groups and the Management Board shall be open to the participation of regulatory authorities of third countries with primary responsibility in the field of electronic communications, where those countries have entered into agreement with the Union to that effect. It also provides that, under the relevant provisions of those agreements, working arrangements are to be developed specifying, inter alia, provisions relating to participation in the initiatives carried out by BEREC, financial contributions and staff to the BEREC Office;
- (5) In line with the above, Regulatory authorities of third countries with primary responsibility in the field of electronic communications under Article 35 should benefit of travel reimbursement provided they are contributing to the budget of BEREC Office;
- (6) For the sake of clarity, the Agency will use one single legal act describing the rules for reimbursement of experts participating in meetings organized by the BEREC Office;
- (7) The Management Board of the BEREC Office wishes to repeal its Decision No MC/2015/13.

Has adopted the following decision:

Article 1

The rules on the reimbursement of persons not employed by the BEREC Office invited to attend meetings in an expert capacity, set out in the Annex, are hereby approved.

Article 2

The rules on the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office, adopted by the Management Committee in 2 October 2015 (MC/2015/13), are repealed.

Article 3

These provisions shall enter into force on the date of the adoption by the Management Board.

Done at Malta, on 05 December 2019.

For the Management Board



Jeremy Godfrey
Chairperson

ANNEX

Rules on the reimbursement of persons not employed by the Agency for support for BEREC (BEREC Office) invited to attend meetings in an expert capacity

Article 1. Purpose

This Decision lays down the rules on reimbursement and direct coverage of expenses incurred by persons not employed by the Agency for support for BEREC (BEREC Office) invited by the BEREC Office authorising officer to attend meetings in an expert capacity.

BEREC Office regularly organise meetings in support of the functioning and operational activities of the Body of European Regulators for Electronic Communications (BEREC).

Article 2. Scope

Under the conditions and procedures laid down in this decision, BEREC Office shall only reimburse the eligible costs incurred by persons invited by the BEREC Office authorising officer to attend meetings both in countries of BEREC members and of participating NRAs and in countries outside the geographical scope of BEREC.

Article 3. Category of invitee to meetings

1. These rules shall apply to:
 - a) Anyone not employed by the BEREC Office who is invited by the BEREC Office authorising officer to attend meetings in an expert capacity;
 - b) Anyone responsible for accompanying a disabled person who has been invited by the BEREC Office authorising officer to attend a meeting in an expert capacity.
2. Experts may be private-sector or public-sector experts:
 - a) Private-sector experts are individuals who represent civil society or work for a private organisation who have been invited to give to BEREC and the BEREC Office the benefit of their personal expertise or to represent their organisation in a specific area but not to defend the interests of a particular country ("Private invitees").
 - b) Public-sector experts are individuals who have been invited as representatives of the NRAs of a Member State or a Third country without voting rights which meets the conditions of Article 35 (2) of the BEREC Regulation appointed by such an authority as member/alternate-member of the Board of Regulators, of the Management Board of the Agency for support for the Body of European Regulators for Electronic Communications (BEREC Office), of the Contact Network Group (CN), of the Working Groups (WG), of the Expert Networking Group (EWG)

- c) Other public-sector experts are individuals who have been invited to a meeting as representatives of another competent authority of a Member State in the sense of Article 5 of the European Electronic Communication Code (EEC).²

Article 4. Category of meetings

Experts identified under Article 3.2 (b) may be invited by the BEREC Office authorising officer to attend the following non-exhaustive list of meetings:

- a) Board of Regulators (BoR) Plenary meetings
- b) Management Board (MB) Plenary meetings
- c) Mini-Board meetings
- d) Public debriefing meetings
- e) Contact Network (CN) Group meetings
- f) Working Groups (WG) meetings
- g) Expert Networking Groups (ENG) meetings
- h) Stakeholder forum meetings
- i) BEREC Workshop meetings
- j) Ad-hoc meetings

Experts identified under Article 3.2 (a) are individual experts that may be invited by the BEREC Office authorising officer to attend BEREC or BEREC Office meetings and to give the benefit of their personal expertise.

Article 5. Invitation

Experts are invited to attend the meetings listed under Article 4 by means of invitation letter sent by the BEREC Office authorising officer.

The letter of invitation specifies the duration of a given meeting and the criteria for calculating the compensation to be paid.

Article 6. Liability

The BEREC Office shall not be liable for any material, non-material or physical damage suffered by invited experts or those responsible for accompanying a disabled expert in the course of their journey to or stay in the place where the meeting is held, unless such harm is directly attributable to the BEREC Office. In particular, invited experts who use their own means of transport for travelling to such meetings shall be entirely liable for any accidents that they might cause.

Article 7. Eligible costs

All experts shall be entitled to the reimbursement of their travel expenses from the place specified in their invitation (work or home address) to the place of the meeting, by the most appropriate means of transport given the distance involved. In general, for journeys of less

² Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).

than 400 km (one way, according to official distance by rail) this shall be first-class rail travel, and for distances of more than 400 km economy class air travel.

If the journey by air involves a flight of 4 hours or more without stopovers the cost of a business class ticket shall be reimbursed.

The authorising officers for commitments shall specifically try to ensure that meetings are organised in such a way as to enable experts to benefit from the most economical travel rates. The authorising officers for payments shall scrutinise particularly closely any requests for reimbursement involving abnormally expensive flights. They shall have the right to carry out any checks that might be needed and to request any proof from the expert required for this purpose. They shall also have the right, where it appears to be justified, to restrict reimbursement to the rates normally applied to the usual journey from the expert's place of work or residence to the meeting place.

Travel expenses shall be reimbursed on presentation of original supporting documents: tickets and invoices or, in the case of online bookings, the printout of the electronic reservation and boarding cards for the outward journey. The documents supplied must show the class of travel used, the time of travel and the amount paid.

The cost of travel by private car shall be reimbursed at the same rate as the first-class rail ticket.

If the route is not served by a train the cost of travel by private car shall be reimbursed at the rate of EUR 0.22 per km.

Taxi fares shall not be reimbursed.

Article 8. Subsistence costs

Unless stated otherwise in the letter of invitation, private experts shall be entitled to a daily allowance for each day of the meeting and, where appropriate, an accommodation allowance, on condition that they declare on their honour that they are not receiving a similar allowance or similar allowances from the same institution or another European Union Institution for the same visit. The responsible authorising officer shall ensure consistency between the content of the letters of invitation and the request to organize the meeting.

Public-sector experts who have to spend one or more night at the place of the meeting are entitled to accommodation allowance, where appropriate, and on condition that they declare on their honour that they are not receiving a similar allowance or similar allowances from their own administration for the same visit.

Article 9. Daily allowance

The daily allowance paid to the private-experts for each day of the meeting is a flat rate to cover all expenditure at the place where the meeting is held, including for example meals and local transport (bus, tram, metro, taxi, parking, motorway tolls, etc.), as well as travel and accident insurance.

The daily allowance shall be EUR 92.00.

If the place of departure cited in the invitation is 100 km or less from the place where the meeting is held, the daily allowance shall be reduced by 50%.

Experts who have to spend one or more nights at the place where the meeting is held because the times of meetings are incompatible with the times of flights or trains, shall also be entitled

to an accommodation allowance. This allowance shall be EUR 100.00 per night. The number of nights may not exceed the number of meeting days + 1.

An additional accommodation allowance and/or daily allowance may, exceptionally, be paid if prolonging the stay would enable the expert to obtain a reduction in the cost of transport worth more than the amount of these allowances.

The daily allowance and/or accommodation allowance may be increased by 50% by reasoned decision of the responsible authorising officer by delegation for very highlevel experts, with a minimum of EUR 300 when the increase applies to both the daily allowance and the accommodation allowance.

Article 10. Accommodation allowance

Public and private sector experts who have to spend one or more night at the place where the meeting is held shall be entitled to daily accommodation allowance, where appropriate, and on condition that they declare on their honour that they are not receiving a similar allowance or similar allowances from their own administration for the same visit. This allowance shall be EUR 100.00 per night. The number of nights may not exceed the number of meeting days +1. The authorising officer may, by reasoned decision and on presentation of supporting documents, authorise the reimbursement of expenses which invited experts have had to incur as a result of special instructions they have received in writing.

Article 11. Meetings held in BEREC members and participating countries

For meeting inside the territory of the European Union or any third country whose NRA participates in the work of BEREC and BEREC Office based on provisions of Article 35(2) of BEREC Regulation, the maximum number of experts per meeting entitled to reimbursement of their expenses, shall be one per Member State and one for each Participating country without voting right which is financially contributing to the budget of the Office.

The authorising officer may depart from this rule, by reasoned decision, in the following cases:

- a) joint meetings of several committees or expert groups;
- b) committees or expert groups where the number of members or participants, whether or not entitled to reimbursement of their expenses, has not been laid down by the instrument establishing them and is thus a matter for the authorising officer to determine.

The authorising officer may also depart from this rule where the number of members attending the Plenary and the Contact network meetings is more than one per Member State or per Participating country without voting rights and the additional experts are participating at the meeting with speaking/chairing/reporting roles in the capacity of the co-Chair of the WG or ENG.

Article 12. Meetings held in third countries (no BEREC participating countries)

For meeting held in third countries which are not BEREC participating countries, the maximum number of experts entitled to reimbursement shall be no more than three BEREC representatives per meeting under the principle of one person per Member State , and Participating country without voting right which is financially contributing to the budget of the Office provided that they actively represent BEREC.

The authorising officer may depart from this rule, by reasoned decision, in the case of meetings (such study trips) where all participants to the meeting are reimbursed.

Article 13. Procedure for reimbursement

The payment order shall be drawn up on the basis of the request for reimbursement, duly completed and signed by the expert and by the secretary of the meeting responsible for certifying the expert's presence.

Experts must provide the secretary of the meeting with the documents necessary for their reimbursement, as required by the financial rules applicable in the Commission, by letter, fax or e-mail postmarked or dated no later than 30 calendar days after the final day of the meeting. The BEREC Office shall reimburse the experts' expenses within the period laid down in the rules implementing the Financial Regulation.

Unless the expert can provide a proper justification that is accepted by reasoned decision by the responsible authorising officer, failure to comply with paragraph 2 shall absolve the BEREC Office from any obligation to reimburse travel expenses or pay any allowances.

Article 14. Payments

Travel expenses shall be reimbursed in euros, where appropriate at the rate of exchange applying on the day of the meeting.

The daily allowance and, where appropriate, the accommodation allowance, shall be reimbursed in euros at the flat rate applicable on the day of the meeting. The daily allowance and accommodation allowance shall follow as necessary the adjustments to be made by the European Commission every two years in line with the changes in the cost of living.

Article 15. Final provisions

This Decision repeals the Management Committee Decision № MC/2013/05 of 2 October 2015. This Decision enters into force on the same day of its adoption by the Management Board of Agency for support for the Body of European Regulators for Electronic Communications (BEREC Office).

The expenses of experts invited before the entry into force of these rules shall be reimbursed under the system provided for in the Management Committee Decision n° MC/2013/05 of 2 October 2015.

BEREC Office shall process personal data provided by the experts in the reimbursement claims and supporting documents pursuant to Regulation (EU) 2018/1725³.

Done at Malta, on 05 October 2019.

³ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

For the Management Board

Jeremy Godfrey

Chairperson